

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7355

BILL NUMBER: HB 1257

NOTE PREPARED: Jan 9, 2013

BILL AMENDED:

SUBJECT: Partition Fences.

FIRST AUTHOR: Rep. Dermody

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

It provides that a fence that is used by adjoining property owners as a fence is, unless otherwise agreed upon by the property owners, considered a partition fence and must be repaired, maintained, and paid for by the person who builds the fence or causes the fence to be built.

It also provides that the existing partition fence law applies to partition fences built and maintained before May 14, 2013.

The bill repeals provisions of the fence law concerning: (1) required payment to the owner for an existing fence when previously unenclosed property becomes enclosed; and (2) application and construction of the partition fence law.

Effective Date: May 14, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate if fewer civil actions may be filed as a result of removing the cause of action concerning an individual who enclosed a previously unenclosed property refusing to pay the owner of an existing fence.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.